

James P. Walsh, CSB No. 184620
 Peerapong Tantamjarik, CSB No. 230726
 DAVIS WRIGHT TREMAINE LLP
 One Embarcadero Center, Suite 600
 San Francisco, California 94111-3611
 Telephone: (415) 276-6500
 Facsimile: (415) 276-6599
 budwalsh@dwt.com

Jack B. Albanese (Georgia Bar No. 007137) (*Pro Hac Vice*)
 Nelson Mullins Riley & Scarborough LLP
 999 Peachtree Street NE, 14th Floor
 P. O. Box 77707
 Atlanta, GA 30309-0707
 Telephone: (404) 817-6000
 Facsimile: (404) 817-6050
 jack.albanese@nelsonmullins.com

Attorneys for Defendants
 M/V AURORA and AL BOURAQ AVIATION, INC.

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

JACK HINSHAW,

Plaintiff,

v.

M/V AURORA and AL BOURAQ
 AVIATION, INC., a Delaware Corporation,

Defendants.

)
)
) No. C-05-3927-CW
)
) **REVISED STIPULATED REQUEST**
) **FOR ORDER TO CONTINUE**
) **COMPLETION OF FACT**
) **DISCOVERY, DISCLOSURE OF**
) **IDENTITIES AND REPORTS OF**
) **EXPERT WITNESSES, COMPLETION**
) **OF EXPERT TESTIMONY, FILING**
) **DEADLINE FOR DEFENDANTS'**
) **DISPOSITIVE MOTION, AND TRIAL**
) **DATE, AND**
) **ORDER AS MODIFIED**
)

Pursuant to Local Rules 6-2 and 7-12, counsel for the parties in this matter declare:

1. Per this Court's Minute Order and Case Management Order of February 1, 2006 (the "Case Management Order"), the Completion of Fact Discovery has a deadline of June 1, 2006, the Disclosure of Identities and Reports of Expert Witnesses has a deadline of May 1, 2006, and the Completion of Expert Testimony has a deadline of June 1, 2006.

1 2. Also under the Case Management Order, Defendants' dispositive motion is to be filed
2 by June 16, 2006, with opposition due June 30, 2006, and reply due July 7, 2006. As well, under
3 the Case Management Order, the Final Pretrial Conference is scheduled for November 3, 2006 at
4 1:30 pm and the 2-day Court Trial is set to begin on November 20, 2006 at 8:30 am.

5 3. On May 12, 2006, the Court granted Plaintiff's Amended Motion for Leave to File First
6 Amended Complaint. As such, the version of the Complaint that is to be the basis of Plaintiff's
7 case was not resolved until just last week and will require further discovery beyond the due dates
8 in the Case Management Order. In addition, Defendants will file a revised answer and
9 counterclaim to the Amended Complaint which will also require further discovery beyond the due
10 dates in the Case Management Order. Likewise, the dispositive motions will require extended due
11 dates since they will be based on facts learned thru discovery. To accommodate any continuances
12 of the dispositive motions in order to provide the Court sufficient time to consider them (and
13 possibly hold a hearing on the matter), the Final Pretrial Conference date and the Trial date would
14 also need to be continued.

15 4. A mediation session between the parties was held on March 27, 2006, but the parties
16 were unable to reach a settlement on the case, such that further discovery is necessary.

17 5. The parties, through their respective counsel of record, met and conferred on May 5,
18 2006, regarding outstanding discovery matters and agreed that the discovery due dates noted
19 above shall be extended until August 1, 2006, so that the parties shall have more time in which to
20 conduct discovery. The parties also met and conferred on May 12, 2006 to agree that Defendants'
21 deadline for filing their dispositive motion shall be extended until August 16, 2006, with
22 opposition due August 30, 2006, and reply due September 7, 2006, in light of the revised
23 discovery dates. Finally, the parties met and conferred on May 17, 2006 to agree that the Final
24 Pretrial Conference be rescheduled for February 2, 2007, and that the Court Trial date be
25 rescheduled to begin on February 12, 2007, such dates having been confirmed as currently
26 available with the Court.

27 6. The parties do not believe that a continuance of the Completion of Fact Discovery, the
28 Disclosure of Identities and Reports of Expert Witnesses, and the Completion of Expert

1 Testimony until August 1, 2006 will have any prejudicial effect on the case scheduling. Similarly,
 2 if the Final Pretrial Conference is continued until February 2, 2007 and the Court Trial date is
 3 continued to February 12, 2007, as the parties have agreed, the revised date for Defendants'
 4 dispositive motion to August 16, 2006, with opposition due August 30, 2006, and reply due
 5 September 7, 2006, still leaves sufficient time before trial for the Court to consider the filings and
 6 would not to have any prejudicial effect on the case scheduling.

7 ACCORDINGLY, IT IS HEREBY STIPULATED AND AGREED between and among
 8 the parties hereto, by and through their respective undersigned counsel, that the deadline dates for
 9 the Completion of Fact Discovery, the Disclosure of Identities and Reports of Expert Witnesses,
 10 and the Completion of Expert Testimony shall be continued to August 1, 2006; that the filing
 11 deadline for Defendants' dispositive motion shall be continued to August 16, 2006, with
 12 opposition due August 30, 2006, and reply due September 7, 2006; and that the Final Pretrial
 13 Conference be continued to 1:30 pm on February 2, 2007 and the 2-day Court Trial be continued
 14 to begin at 8:30 am on February 12, 2007.

15
 16 DATED: May 18, 2006

17 Respectfully submitted,

18 DAVIS WRIGHT TREMAINE LLP

19
 20 By: /S/ James P. Walsh
 James P. Walsh
 Attorneys for Defendants
 M/V AURORA and
 AL BOURAQ AVIATION, INC

21
 22
 23 GESVI LAW FIRM

24
 25 By: /S/ Sid M. Sharif
 Sid M. Sharif
 Attorneys for Plaintiff
 JACK HINSHAW

ORDER

On May 18, 2006, the parties filed a revised stipulated request that the due dates for the Completion of Fact Discovery, the Disclosure of Identities and Reports of Expert Witnesses, and the Completion of Expert Discovery be continued until August 1, 2006, that the filing deadline on Defendants' dispositive motion be continued from to August 16, 2006, and that the Final Pretrial Conference be continued to 1:30 pm on February 2, 2007 and the 2-day Court Trial be continued to begin at 8:30 am on February 12, 2007.

GOOD CAUSE APPEARING THEREFOR:

The parties' request to move the due dates on the parties' Completion of Fact Discovery, the Disclosure of Identities and Reports of Expert Witnesses, and the Completion of Expert Discovery, to August 1, 2006, the parties' request to move the filing deadline on Defendants' dispositive motion to August 16, 2006, and the parties' request to move the Final Pretrial Conference to 1:30 pm on February 2, 2007 and the 2-day Court Trial to begin at 8:30 am on February 12, 2007, is GRANTED.

The remaining briefing schedule on Defendants' dispositive motion shall be: opposition to be filed on or before August 30, 2006, and reply papers to be filed on or before September 7, 2006.

PURSUANT TO STIPULATION, IT IS SO ORDERED. A HEARING ON THE DISPOSITIVE MOTIONS WILL BE HELD ON 9/29/06 AT 10:00 A.M. THE FURTHER CASE MANAGEMENT CONFERENCE WILL ALSO BE HELD AT THAT TIME.

DATED this 24th day of May, 2006.

By: /s/ CLAUDIA WILKEN
Hon. Claudia Wilken
United States District Court Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28